



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 10 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Jim Renken, President  
The Farmers Grain and Coal Company  
409 South Tonica Street  
Mason City, Illinois 62664

Re: Administrative Order EPA-5-14-113(a)-IL-21

Dear Mr. Renken:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, Please contact me at 312-886-3850.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Frank", is written over the word "Sincerely,".

Nathan Frank, P.E  
Chief  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure: Administrative Consent Order EPA-5-14-113(a)-IL-21

cc: Eric Jones, Manager  
Bureau of Air-Compliance Unit  
Illinois Environmental Protection Agency

Matthew C. Read, Attorney  
Hodge Dwyer & Driver  
3150 Roland Avenue  
Springfield, Illinois 62705-5776

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-14-113(a)-IL-21</b>
	)	
<b>The Farmers Grain and</b>	)	
<b>and Coal Company</b>	)	<b>Proceeding Under Sections 113(a)(1), (a)(3),</b>
<b>Mason City, Illinois</b>	)	<b>114(a)(1) of the Clean Air Act</b>
	)	<b>42 U.S.C. §§ 74113(a)(1), (a)(3) and 7414(a)(1)</b>
	)	
	)	
	)	

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to The Farmers Grain and Coal Company (Farmers Grain) under Sections 113(a)(1), (a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1), (a)(3) and 7414(a)(1).

2. This Order applies to the grain elevator located at 409 South Tonica Street, Mason City, Illinois, owned and operated by Farmers Grain (Mason City Facility).

**Statutory and Regulatory Background**

3. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.

4. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rule 103(a)(1) and (b)(1), as part of the federally-enforceable State Implementation Plan (SIP) for the State of Illinois. 37 Fed. Reg. 10842. Illinois has since revised and recodified IPCB Rule 103(a)(1) and (b)(1) at 35 Ill. Admin. Code §§ 201.142 and 201.143, respectively.

5. The Illinois SIP at Rule 103(a)(1) [35 Ill. Admin. Code § 201.142] provides that “[n]o person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source of air pollution equipment, without first obtaining a construction permit from the [Illinois Environmental Protection Agency (IEPA)].” The Illinois SIP at Rule 103(b)(1) [35 Ill. Admin. Code § 201.143] provides that “[n]o person shall cause or allow the operation of any emission source or new air pollution control equipment, for which a construction permit is required . . . , without first obtaining an operating permit from [IEPA].”

6. On February 21, 1980, EPA approved IPCB Rule 203 as part of the federally enforceable SIP for the State of Illinois. 45 Fed. Reg. 11493. IPCB Rule 203 is codified, in part, at 35 Ill. Admin. Code §§ 212.461 and 212.462.

7. The Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)] sets forth certain housekeeping practices (hereinafter “Housekeeping Practices”) that all grain-handling and grain-drying operations must implement regardless of size. These include:

- A. Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.
- B. Cleaning and Maintenance.
  - 1. Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.
  - 2. Cleaning shall be handled in such a manner as not to permit dust to escape to the atmosphere.
  - 3. The yard and surrounding area, including but not limited to ditches and curbs, shall be cleaned to prevent the accumulation of rotting grain.
- C. Dump pit.
  - 1. Aspiration equipment shall be maintained and operated.

2. Dust control devices shall be maintained and operated.
  - D. Head House. The head house shall be maintained in such a fashion that visible quantities of dust or dirt are not allowed to escape to the atmosphere.
  - E. Property. The yard and driveway of any source shall be asphalted, oiled, or equivalently treated to control dust.
  - F. Housekeeping Check List. Housekeeping checklists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.
8. The Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462] provides that new and modified grain operations (for which construction or modification commenced on or after June 30, 1975) with an annual grain through-put of 300,000 bushels or greater, shall, *inter alia*, apply for construction and operating permits pursuant to Rule 103 [35 Ill. Admin. Code § 201.142 and 201.143], and comply with the control equipment requirements of Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462].
9. On May 31, 1972, EPA approved IPCB Rule 101 [35 Ill. Admin. Code § 201.102] as part of the federally-enforceable SIP for the State of Illinois. 37 Fed. Reg. 10862. The Illinois SIP at Rule 101 [35 Ill. Admin. Code 201.102] defines "modification" as, *inter alia*, "any physical change in, or change in the method of operations, of an emission source or of air pollution control equipment which increases the amount of any specified air contaminant emitted by such source or equipment or which results in the emission of any specified air contaminant not previously emitted. It shall be presumed that an increase in the use of raw materials, the time of operation or the rate of production will change the amount of any specified air contaminant emitted."
10. Grain elevators that are not located in Major Population Areas, as that term is defined in the Illinois SIP at Part 211 [35 Ill. Admin. Code § 211.3610], are exempt from the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462]. That exemption ceases to

apply when a facility violates the prohibitions set forth at Subsection 9(a) of the Illinois Environmental Protection Act.

11. Section 9(a) of the Illinois Environmental Protection Act states that "No person shall: (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act."

12. The Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462] applies to elevators with a throughput greater than 300,000 bushels/year. Facilities which are subject must adhere to the following requirements:

- A. Apply induced draft to major dump pits and associated equipment (including, but not limited to, boots, hoppers and legs) to such an extent that a minimum face velocity is maintained, at the effective grate surface, sufficient to contain particulate emissions generated in unloading operations. The minimum face velocity at the effective grate surface shall be at least 200 feet per minute which shall be determined in accordance with the formula provided. Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(1) [35 Ill. Admin. Code § 212.462(b)(1)(A)]
- B. Induced draft air stream is confined and conveyed through air pollution control equipment, which has an overall rated and actual particulate collection efficiency of not less than 90%, by weight. Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(2) [35 Ill. Admin. Code § 212.462(b)(1)(B)]
- C. Means or devices (including, but not limited to, quick-closing doors, air curtains or wind deflectors) shall be employed to prevent a wind velocity in excess of 50% of the induced draft face velocity at the pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph. Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(4) [35 Ill. Admin. Code § 212.462(b)(1)(D)]

13. Truck and hopper car loading must "employ socks, sleeves or equivalent devices which extend six inches below the sides of the receiving vehicle, except for topping off. Choke loading shall be considered an equivalent method as long as the discharge is no more than 12

inches above the side of the receiving vehicle.” Illinois SIP at Rule 203(d)(9)(B)(i)(b) [35 Ill. Admin. Code § 212.462(d)(1)].

14. The Illinois SIP at Rule 203(d)(9)(B)(iii) [35 Ill. Admin. Code § 212.462(c)] also requires pollution controls for the internal transferring area as follows:

- A. Internal transferring area shall be enclosed to the extent necessary to prohibit visible particulate matter emissions directly into the atmosphere.
- B. Air contaminants collected from internal transfer operations . . . shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90% by weight prior to release into the atmosphere.

15. “Internal transferring area” is defined as “areas and associated equipment used for conveying grain among the various grain operations.” Illinois SIP at Part 211 [35 Ill. Admin Code § 211.3210].

16. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

17. The Administrator of EPA may require any person who owns or operates an emission source to make reports; install, use and maintain monitoring equipment; sample emissions; and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

#### **Permit Background**

18. On February 20, 2008, IEPA issued to Farmers Grain a Lifetime General Operating Permit for its Mason City Facility (Permit #75120129).

19. Condition 4(b) of Permit #75120129 provides that: “[Farmers Grain] shall implement and perform the required housekeeping practices identified in 35 Ill. Admin. Code § 212.461(b) through (b)(5) and maintain a housekeeping checklist for the grain elevator pursuant to 35 Ill. Admin. Code § 212.461(b)(6).”

20. Condition 5(a)(i) of Permit #75120129 provides that: “Grain receiving in all dump pits shall be conducted in accordance with good operating practices to minimize particulate matter emissions.”

21. Condition 5(a)(ii) of Permit #75120129 provides that: “Each dump pit shall be inspected for proper operation while receiving is occurring, at least once each week...when grain is received.”

22. Condition 5(c)(ii) of Permit #75120129 provides that: “The grain elevator shall be inspected for the presence of visible emissions from internal transfer and cleaning, while such activity is occurring, at least once per week when such activity is performed.”

23. Condition 5(d)(i) of Permit #75120129 provides that: “Grain load-out shall be conducted with socks, sleeves, or equivalent devices, extending to within at least 6 inches below the sides of the receiving vehicle except for topping off.”

24. Condition 5(d)(ii) of Permit #75120129 provides that: “Grain load-out socks, sleeves and equivalent devices shall be inspected for proper operation while load-out is occurring, at least once each week when grain load-out is performed.”

25. Condition 8(a) of Permit #75120129 provides that: “[Farmers Grain] shall maintain records of the following items for its grain elevator: (i) records of housekeeping checklists completed by the elevator manager; and (ii) records of the inspections required by

Condition 4(b), 5 and 6, with date, time and observations if such information is not incorporated in the housekeeping checklist.”

26. Condition 8(b) of Permit #75120129 provides that: “[Farmers Grain] shall maintain monthly records of the following items for the source: (i) Total grain received, bushels/month and bushels/year (running total of 12 months of data); (ii) Grain dried, bushels/month and bushels/year (running total of 12 months of data); ... (iv) Grain shipped, bushels/month and bushels/year (running total of 12 months data); and (v) PM emissions (tons/month, tons/year) with supporting calculations.”

### **Findings**

27. Farmers Grain owns and operates a grain elevator at 409 South Tonica Street, Mason City, Illinois (Mason City Facility). The Mason City Facility is in Mason County, which is not a Major Population Area.

28. The Mason City Facility has a total annual grain throughput of about 2.48 million bushels per year and processes soybeans and corn using trucks, dump pits, an internal transferring area with belt conveyors, a dryer, truck loading, and storage bins, all of which have the potential to create particulate matter.

29. At all times relevant to this Order, the Mason City Facility has been subject to the provisions of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)].

30. On August 1, 2012 and September 14, 2012, EPA personnel performed an inspection of the Mason City Facility and observed:

- A. Dump Pit #2 was completely open and not contained within any structure. Dump Pits #1 and #3 had doors that were kept open at both end during unloading. None of the dump pits utilized quick-closing doors, air curtains or wind deflectors. None of the dump pits had a suction system that collected air pollutants and treated them with a pollution control device.



- B. Farmers Grain stated that the truck load-outs did not have sleeves that extended six inches into the vehicles.
  - C. Loose grains and dust were scattered on the yard and surrounding area of the property and on exposed flat surfaces; the roadways were dusty; and visible emissions were present while trucks were driving on the internal roadways
  - D. Homes are located adjacent to the Mason City Facility.
  - E. Farmers Grain stated that it had received complaints in the past from residents on the east side of the elevator.
31. After the inspection, EPA obtained records from Farmers Grain for the Mason City Facility. The records indicated that:
- A. The Mason City Facility is a “modified grain handling operation” within the meaning of Illinois SIP Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462]. The modifications include: the construction of three storage bins in 1978; construction of a storage bin in 1980; construction of a dump pit in 2000; construction of a dump pit, a dump pit shed, and a conveyor in 2003; construction of two new conveyors in 2004; construction of a storage bin, and load and unload conveyors in 2004; construction of a storage bin and two conveyors in 2006.
  - B. Based on the housekeeping records, the Mason City Facility was not inspecting the dump pits, internal transfer, and grain load-out sleeve areas once per week or maintaining records associated with such inspections.
  - C. The Mason City Facility was not maintaining monthly records in bushels/month and bushels/year (running total of 12 months of data) of the total grain received, the grain dried, and the grain shipped. The Mason City Facility was also failing to maintain monthly records of the particulate matter emissions (tons/month, tons/year).
32. EPA finds that by violating Section 9(a) of the Illinois Environmental Protection Act, the Mason City Facility is not exempt from the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462].
33. On September 27, 2013, EPA issued to Farmers Grain a Notice of Violation (NOV) alleging violations of Permit #75120129, the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)], and Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462]. On

November 15, 2013, representatives of Farmers Grain and EPA discussed the September 27, 2013 NOV.

34. While not admitting to the allegations in the NOV, Farmers Grain agrees to the terms of this Order and the requirements herein.

#### **Compliance Program**

35. Within 90 days of the effective date of this Order, Farmers Grain shall submit a plan for reducing and controlling PM emissions (PM Control Plan) from its dump pits, including associated ancillary equipment and operations, at the Mason City Facility, as specified below, in compliance with the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 201.142] and Rule 103(b)(1) [35 Ill. Admin. Code § 212.462(b)(1)]. To demonstrate compliance with the Illinois SIP, the PM Control Plan shall include the design documents for construction of air pollution control equipment and the following information:

A. For Dump Pit #2, a major dump pit:

- i. The air pollution control equipment design criteria including the flow rate and the particulate collection efficiency, which demonstrate that the overall rated and actual particulate collection efficiency is not less than 90 percent by weight. Compliance with this standard may be demonstrated by information obtained from the manufacturer of the control equipment and the design engineer.
- ii. Detailed calculations demonstrating the minimum face velocity at the effective grate surfaces at each dump pit. If the grate is equipped with baffles, the effective grate surface of each dump pit shall be at least 200 feet per minute (fpm), which shall be determined by using the equation:  $V = Q/A$ , where  $V$  = face velocity; and  $Q$  = induced draft volume in scfm; and  $A$  = effective grate areas in  $\text{ft}^2$ . The area shall be calculated based on the total area through which air will pass through baffles.
- iii. Means or devices (including, but not limited to, quick-closing doors, air curtains or wind deflectors) that will be employed to prevent a wind velocity in excess of 50 percent of the induced draft face velocity at each pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph.

- B. For Dump Pits #1 and #3, minor dump pits: Recordkeeping no less stringent than that specified by Paragraph 38.K. to ensure the annual grain throughput of Dump Pits #1 and #3 will be limited to 300,000 bushels per year or less, each.

36. EPA will review and either approve or disapprove the PM Control Plan for the Mason City Facility within 180 days of the effective date of this Order. The basis for EPA's approval or disapproval shall be compliance with the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462(b)]. Farmers Grain shall be in violation of this Order if it fails to secure approval of the PM Control Plan within 180 days of the effective date so long as EPA:

- A. Provides within 120 days of the effective date, a notice of its intent to disapprove the PM Control Plan, which documents its deficiencies with respect to the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462(b)]; and
- B. Provides within 180 days of the effective date a notice of disapproval of the PM Control Plan. EPA will consider any amendments to the PM Control Plan submitted after EPA provides its notice of intent to disapprove the PM Control Plan prior to disapproving the plan.

37. Within 180 days of the effective date of this Order, Farmers Grain shall seek from IEPA revisions to its Lifetime Operating Permit to incorporate the limitations and requirements of the approved PM Control Plan, including the installation and operation of the air pollution control equipment.

38. Within 60 days from the effective date of this Order, unless otherwise noted, Farmers Grain shall demonstrate compliance with the Illinois SIP at Rule 203(d)(9) [35 Ill. Admin. Code § 212.461(b)(1)] at the Mason City Facility during facility operation as follows:

- A. Check air pollution control devices daily and clean as necessary to insure proper operation (applicable following installation of air pollution control devices pursuant to Paragraph 39).
- B. Floors shall be kept swept and cleaned from boot pit to cupola. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.
- C. Clean the yard and surrounding open areas, including but not limited to ditches and curbs, to prevent the accumulation of rotting grain.
- D. Maintain and operate dust control devices at the dump pits.

- E. Handle cleaning at the Facility in such a manner as not to permit dust to escape to the atmosphere.
- F. When the facility is in operation, complete and maintain a housekeeping checklist on the premises for inspection by EPA or IEPA personnel. The housekeeping checklist shall include lines requiring:
  - 1. Daily inspection of air pollution control devices to ensure that they are functioning properly in accordance with the Illinois SIP at Rule 203(d)(9)(A)(i) [35 Ill. Admin. Code § 212.461(b)(1)] (applicable following installation of air pollution control devices pursuant to Paragraph 39);
  - 2. Daily recording of the pressure reading on the baghouse once it is built and operating (applicable following installation of air pollution control devices pursuant to Paragraph 39);
  - 3. Weekly inspections of the sleeves on the loadouts while loadout is occurring; and
  - 4. Weekly inspections for visible emissions from the internal transferring.
- G. Chipseal all driveways and parking areas.
- H. To demonstrate compliance with the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462] and its operating permit, Farmers Grain shall employ socks, sleeves or the equivalent devices (or certify that sleeves or the equivalent have already been installed per paragraph 41.B.) on all truck loadouts at the Mason City Facility. The socks, sleeves or the equivalent devices must extend six inches below the sides of the receiving vehicles, except for topping off.
- I. To demonstrate compliance with Permit #75120129, Farmers Grain shall maintain records of the following: (i) records of housekeeping checklists completed by the elevator manager; and (ii) records to the inspections required by Conditions 4(b), 5 and 6 of the Permit, with date, time, and observations if such information is not incorporated in the housekeeping checklist.
- J. To demonstrate compliance with its Permit #75120129, Farmers Grain shall maintain monthly records of the following items for the source: (i) Total grain received, bushels/month and bushels/year (running total of 12 months of data); (ii) grain dried, bushels/month and bushels/year (running total of 12 months of data); ... (iv) Grain shipped, bushels/month and bushels/year (running total of 12 months of data); and (v) PM emissions (tons/month, tons/year with supporting calculations."
- K. To demonstrate compliance with the requirement of this Order that Farmers Grain operate Dump Pits #1 and #3 as minor dump pits, Farmers grain shall maintain monthly records of the total grain received, bushels/month and bushels/year (running total of 12 months of data) separately for each dump pit (#1 and #3).

39. Within 350 days from the effective date of this Order, Farmers Grain shall implement the EPA approved PM Control Plan for the Mason City Facility. If Farmers Grain believes the IEPA has not approved the necessary permits within sufficient time to construct and operate the air pollution control equipment, Farmers Grain shall inform EPA and, if warranted, EPA will grant an extension of time to complete construction or commence operation.

**Periodic Reporting and Monitoring**

40. Farmers Grain shall install pressure gauges and/or other monitoring equipment to evaluate the performance of the air pollution controls required by this Order at the Mason City Facility.

41. After the effective date of this Order, and for one year thereafter, Farmers Grain must submit a total of four electronic quarterly reports to EPA by the 15th day of March, June, September, and December. Farmers Grain shall also submit one final report one year after the effective date of this Order. The reports shall include:

- A. The status of the IEPA permit application(s) to incorporate the limitations and requirements of the approved PM Control Plan as set forth in Paragraphs 35 and 37;
- B. The status of construction of the loadout sleeves, pollution control devices, and other pollution controls for the dump pits, truck loadouts, conveyors and distributors required by this Order;
- C. Operational status of induced draft system at the Mason City Facility;
- D. Copies of the records required to be kept pursuant to Paragraph 38.K.;
- E. Copies of the records required to be kept pursuant to Paragraph 38.F.2; and
- F. Status of the permit revisions requested pursuant to Paragraph 37;

42. Farmers Grain must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

43. Farmers Grain must send all electronic reports required by this Order to the following: [rosen.linda@epa.gov](mailto:rosen.linda@epa.gov) and [r5airenforcement@epa.gov](mailto:r5airenforcement@epa.gov). Paper documents must be submitted to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

#### **General Provisions**

44. This Order does not affect Farmers Grain's responsibility to comply with other federal, state and local laws.

45. This Order does not restrict EPA's authority to enforce the Illinois SIP or any other section of the CAA.

46. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Farmers Grain's violation of the Illinois SIP.

47. Failure to comply with this Order may subject Farmers Grain to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

48. The terms of this Order are binding on Farmers Grain, its assignees and successors. Farmers Grain must give notice of this Order to any successors in interest prior to transferring ownership.

49. Farmers Grain may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Farmers Grain fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

50. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish documents as an electronic copy on CD or thumb drive. If not possible, provide your response to this Order without staples; paper clips and binder clips, however, are acceptable.

51. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

52. For purposes of this Order and enforcement of this Order, Farmers Grain waives any right to judicial or administrative review of this Order and any jurisdictional defenses to EPA's enforcement of it. Farmers Grain neither admits nor denies the Findings listed above, and agrees to be bound by the terms of this Order.

53. This Order is effective on the date of signature by the Director of the Air and Radiation Division.

Aug. 18, 2014  
Date

Jim Renken  
Jim Renken  
President  
The Farmers Grain and Coal Company

9/10/14  
Date

George T. Czerniak  
George T. Czerniak  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5



**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent an executed Administrative Order, No. EPA-5-14-

113(a)-IL-21, by Certified Mail, Return Receipt Requested, to:

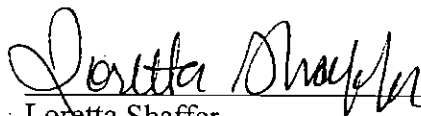
Jim Renken, President  
The Farmers Grain and Coal Company  
409 South Tonica Street  
Mason City, Illinois 62664

I also certify that I sent copies of the Administrative Order by first-class mail to:

Eric Jones, Manager  
Bureau of Air - Compliance Unit  
Illinois Environmental Protection Agency

Matthew C. Read, Attorney  
Hodge Dwyer & Driver  
3150 Roland Avenue  
Springfield, Illinois 62705-5776

On the 12 day of September 2014



Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2639 3410